

54. (New) The sustained culture of claim 44 wherein the embryonic stem cell phenotype is sustained for at least two months.

#### REMARKS

Claims 1-43 have been examined in the subject U.S. patent application. Claims 1-43 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-43 of prior U.S. Patent Application Serial No. 09/370,708. U.S. Patent Application Serial No. 09/370,708 has now issued as U.S. Patent No. 6,333,192.

Claims 1-43 have been canceled without prejudice. New claims 44-54 have been added. No new matter has been added by any of the claim amendments. In view of the cancellation of claims 1-43, no new claim fees are believed to be due with the addition of new claims 44-54. Reconsideration of the application as amended is respectfully requested.

#### RESPONSE TO THE CLAIM REJECTIONS

The claim rejection set forth in detail above is believed to be rendered moot in view of the cancellation of claims 1-43 as filed. Accordingly, withdrawal of this rejection is respectfully requested.

New claims 44-54 have been added which pertain to a sustained culture of undifferentiated avian cells expressing an embryonic stem cell phenotype. Support for these claims can be found throughout the subject application as filed, including but not limited to at page 5, lines 3 through 10; page 13, line 21 through page 14, line 19; in the Examples; and in claims 1-43 as filed. Allowance of claims 44-54 is therefore respectfully requested.

#### CONCLUSION

In light of the above Amendments and Remarks it is respectfully submitted that the present application is now in proper condition for allowance, and such action is earnestly solicited.

If any minor issues should remain outstanding after the Examiner has had an opportunity to study the Amendment and Remarks, it is respectfully requested that the

Examiner telephone the undersigned attorney so that all such matters may be resolved  
and the application placed in condition for allowanc without the necessity for another  
Action and/or Amendment.

Deposit Account

Although a check is being submitted in the amount of \$460.00, the Commissioner  
is hereby authorized to charge any deficiencies of payment or credit any overpayments  
associated with the filing of this Amendment to Deposit Account No. 50-0426.

Respectfully submitted;

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Enclosures: Amendment Transmittal  
Petition for Extension of Time  
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PATENT TRADEMARK OFFICE

**VERSION TO SHOW CHANGES MADE**

Please cancel claims 1-43 without prejudice.

Please add the following new claims:

44. (New) A sustained culture of undifferentiated avian cells expressing an embryonic stem cell phenotype, comprising a preconditioned feeder matrix; conditioned media; and avian primordial germ cells and avian stromal cells collected from an avian embryo later than stage 14 (H&H) and grown in the sustained culture to produce undifferentiated avian cells expressing an embryonic stem cell phenotype.
45. (New) The sustained culture of claim 44 wherein the avian stromal cells are gonadal cells.
46. (New) The sustained culture of claim 44 wherein the avian stromal cells are genital ridge cells.
47. (New) The sustained culture of claim 44 wherein the preconditioned feeder matrix is derived from avian gonadal cells.
48. (New) The sustained culture of claim 44 wherein the preconditioned feeder matrix is derived from avian genital ridge cells.
49. (New) The sustained culture of claim 47 wherein the avian gonadal cells are derived from an avian embryo later than stage 14 (H&H).
50. (New) The sustained culture of claim 48 wherein the avian genital ridge cells are derived from an embryo later than stage 14 (H&H).
51. (New) The sustained culture of claim 44 wherein the conditioned media is BRL conditioned media.

52. (New) The sustained culture of claim 44 wherein the conditioned media is further comprised of a supplemental growth factor selected from the group consisting of leukemia inhibitory factor (LIF), insulin-like growth factor (IGF), fibroblast growth factor (FGF), basic fibroblast growth factor (bFGF), stromal cell factor (SCF), steel factor (SF), transforming growth factor- $\beta$ 1 (TGF- $\beta$ 1), and anti-retinoic acid.
53. (New) The sustained culture of claim 44 wherein the embryonic stem cell phenotype is sustained for at least one month.
54. (New) The sustained culture of claim 44 wherein the embryonic stem cell phenotype is sustained for at least two months.